

GAHC010184962024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2728/2024

BIPIN CH DAS
S/O LATE GANGARAM DAS, R/O ITABHATA PATH, PARBATI NAGAR,
LANKESWAR, P.S.-JALUKBARI, DIST-KAMRUP (M), ASSAM-781014

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K SINGHA, M DEVI, MS. B BORO

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

24.09.2024

Heard Mr. K. Singha, learned counsel for the petitioner. Also heard Ms. S. H. Borah, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying grant of bail to the accused/petitioner, who has been languishing in jail since 18.08.2024 in connection with Bhangagarh P. S. Case No. 40/2024, registered under Sections 120 (B)/420/409/468/471/34 of IPC.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Singha, that the present petitioner is innocent and he is no way involved in the alleged offence. The informant has alleged that the petitioner, along with one co-accused, Sahidur Rahman, made a mutation of his father's property using fake and forged documents in the name of said Sahidur Rahman. The informant immediately filed an objection to cancel the mutation on 01.03.2023 with the Circle Officer, Guwahati, and accordingly, the mutation has been canceled, restoring the property in the name of his father, Lt. Mansur Ali. Subsequently, the informant filed the instant FIR, alleging that Sahidur Rahman, along with others, is threatening to sell the land using the forged mutation document. He further submitted that petitioner, being the Lat Mandal, only filed a report after reviewing the documents furnished by the co-accused while applying for the

mutation. Apart from that, he has not committed any offence as alleged in the FIR.

He further submitted that the petitioner has been in custody for the last 37 days and that, considering the length of detention undergone by the petitioner and the progress of the investigation, he may be granted the privilege of bail. He is still ready and willing to co-operate with the Investigating Officer (I.O.) in further investigation of the case if the same is allowed.

On the other hand, the learned Additional Public Prosecutor, Ms. Borah, has submitted that the accused/petitioner provided a false report without proper field verification and based on forged documents, which led to the mutation being granted to the co-accused. Although the mutation was subsequently canceled, it was the duty of the Lat Mandal to verify the documents, which was not done. She further submitted that, in connivance with other officials, he furnished the forged documents to the co-accused, Sahidur Rahman. Accordingly, she submits that the case is still under investigation, and the report from the Forensic Science Laboratory (FSL) regarding the handwriting of the accused/petitioner has not yet been received.

Considering the submissions of learned counsels for both sides, and upon perusal of the case diary, it is observed that following the complaint made by the informant, the mutation was canceled and restored in his father's name (Lt. Mansur Ali). Furthermore, there has been sufficient progress in the investigation, with most of the relevant documents already collected by the I.O. It is a fact that, as Lat Mandal, he could have furnished a proper report after field verification, but this was not done. Thus, considering the police remand and the length of detention already undergone by the accused/petitioner, i.e., 37 days, I am of the view that the I.O. has had ample opportunity to interrogate

the accused/petitioner in custody. Therefore, further custodial interrogation of the accused/petitioner seems unnecessary in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), the accused/petitioner, namely, **Bipin Ch. Das**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), without prior permission.

In terms of above, this bail application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant